

U.S. Patent Application Serial No. 10/848,833
Reply to Office Action dated September 7, 2006 and Notice of Non-Compliant Amendment dated February 15, 2007

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Remarks:

Applicant has read and considered the Office Action dated September 7, 2006 and the references cited therein. Claims 12, 16, 20-22, 25 and 27 have been amended. New claims 28-34 have been added. Claims 1-11 have been previously cancelled. Claims 12-34 are currently pending.

In the Office Action, claims 12, 16 and 20 were objected to. Applicant has amended claims 12, 16 and 20 and asserts that the pending claims do not include the objected to language.

Claims 1-17 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Welch et al. Applicant believes that there is a typographical error as claims 1-11 had been previously cancelled. Applicant notes that Welch is directed to a mobile cart and in particular to the mechanism for locking casters on the cart. The cart in Welch is a medical emergency crash cart for use in hospitals. Applicant notes that it has a much different configuration than shown in the present invention. Room service tables have a different use and different needs than crash carts. To function properly, room service tables must be easily transported with a handle that is easily pushed while carrying food and providing storage below the table top. Moreover, room service tables but must also be readily configured as a dining table. The accessibility to the table top and items thereon when configured as a table are important. Therefore, it is advantageous to have a handle that is pivotal so that clear access is provided to the table and so that users do not accidentally hit the handle in the stored position.

Claim 12 now recites a room service table with a frame, a table top and wheels supporting the frame. The room service table also includes a push handle movable between a use position and a storage position. The handle is fixed and extends above and beyond the table top in the use position and the handle is fixed and extends along an underside of the table top in the storage position. Applicant asserts that Welch neither teaches nor suggests such a room service table. As stated above, Welch is not related to a room service table and instead is an

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emergency room crash cart for use in hospitals. The cart of Welch has a completely different use and needs and is unrelated to the uses and needs of the room service table of the present invention. Moreover, the different uses and needs require different handle configurations. The handle in Welch simply hangs downward in a storage position. Claim 12 recites that the handle is fixed and extends along an underside of the table top in the storage position. This is neither shown nor suggested by Welch. Moreover, as the Welch crash cart does not have open ends and has structure that limits the range of motion of the handle of Welch, it is not possible for the Welch table to have a handle that moves as recited. Applicant asserts that claim 12 patentably distinguishes over Welch or any other prior art.

Moreover, the claims depending from claim 12 provide further advantages. Applicant asserts that claim 14 recites that the handle is rigidly set at the use position and at the storage position. Applicant asserts that Welch only has a handle that hangs downward and is not rigidly fixed and not extending along an underside of the table top in the storage position as recited in the claims. Moreover, claim 20 recites that the handle includes a pivots axis and the handle extends in a first direction away from and above the pivot axis at the use position and the handle extends in a second generally horizontal direction away from the pivot axis at the storage position. Applicant asserts that Welch neither teaches nor suggests a table with such a handle. Moreover, Welch cannot have its handle extending in a second generally horizontal direction at the storage position. Claim 21 recites that the grip portion is proximate the table top in the storage position. This is not possible with Welch.

Applicant asserts that the remaining claims depending from claim 12 are also believed to be allowable for at least the reasons discussed above as well as other advantages provided by the claims.

Claim 22 recites a room service table with a foldable table top having a center portion and folding side portions. A frame supports the center portion and wheels mount to the frame. A handle is pivotally mounted to an underside of the table top center portion, the handle pivots

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between a first position with the handle rigidly fixed beneath and proximate the center portion, and a second position with the handle rigidly fixed above the table top. Applicant asserts that Welch neither teaches nor suggests such a room service table. As discussed above, the handle in Welch is simply hanging downward at its non-use position. Claim 22 recites that the handle is rigidly fixed beneath and proximate the center portion of the tabletop. This is not possible with Welch and the Welch emergency cart cannot be modified to a configuration of the recited room service table. Applicant asserts that claim 22 patentably distinguishes over Welch or any other prior art for these reasons as well as those discussed above. Moreover, Applicant asserts that claims 23 and 24 are also allowable for the same reasons as well as others.

Claim 25 recites a handle for a room service table including a pivot configured for mounting at an underside of the table, a grip portion configured for gripping while pushing by a user, a connecting portion attaching to the pivot and the grip portion, a first lock for rigidly fixing the handle at a use position wherein the handle extends above and beyond the table top, and a second lock for rigidly fixing the handle at a storage position wherein the handle extends substantially along an underside of the table top. As discussed above, the handle of Welch cannot be configured to extend substantially along an underside of the tabletop. Applicant asserts that claim 25 is allowable for reasons similar to those discussed above. Claim 26 depends from claim 25 and is believed to be allowable for these reasons as well as others. Moreover, claim 27 recites that the grip portion of the handle abuts an underside of the table at the storage position. In Welch, the handle simply hangs down and the grip portion is spaced far below the table at the storage position. Applicant asserts that claim 27 patentably distinguishes over Welch for these reasons and others.

New claim 28 recites a room service table comprising a folding table top having a center portion and folding side portions, a frame supporting the center portion including vertical frame members defining open ends, wheels mounted to the frame, and a handle pivotally mounted to an underside of the center portion, wherein the handle pivots through a first one of the open ends

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between a use position with the handle rigidly fixed above the table top and a storage position with the handle rigidly fixed beneath and proximate the center portion. Applicant asserts that Welch neither teaches nor suggests such a room service table. The Welch table does not have a frame supporting the center portion defining open ends. Moreover, because Welch is an emergency room cart, it cannot be configured in such a manner. The handle does not pivot through the open ends of the Welch cart. Moreover, the handle is not fixed above the table top in the use position and rigidly fixed beneath and proximate the center portion in the storage position. As the room service table recited in claim 28 provides advantages and easy access to food warmers, trays and utensils stored beneath the table top and for eliminating the handle projecting somewhat outward that might accidentally be hit by a user, Applicant asserts that the present invention as recited in claim 28 provides a room service table that has advantages over Welch and patentably distinguishes over Welch.

New claim 29 recites that the handle extends along an underside of the table top at the storage position. This provides storage and easy access and is neither shown nor suggested by Welch and is not possible with Welch.

Claim 30 recites that the handle pivots more than 180 degrees between the use position and the storage position. Such a range of motion provides for pivoting the handle to a better storage position out of the way and inward from the edge of the table top and stored against the underside of the table top to provide greater access. This is not possible with Welch and would not be obvious to one of ordinary skill in the art as Welch is directed to an emergency room cart.

Claim 31 recites that the handles passes through a vertically extending position intermediate the use position and the storage position. As Welch only folds to a vertical position and not through it, it does not have a handle with such a range of motion. Moreover, the shelves of Welch prohibit such a range of motion. As Welch is directed to a different purpose, it cannot be modified and it would not be obvious to one of ordinary skill in the art to modify the Welch reference to arrive at the room service table recited in claim 31.

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Claim 32 also recites that the handle pivots through more than 180 degrees between the use position and the storage position and is allowable for the reasons discussed above. Claim 33 also recites that the handle pivots through a position beyond vertical and is allowable for the reasons discussed above with regard to claim 20.

Finally, claim 34 recites that the handle extends substantially horizontally at the storage position. Welch cannot be configured in this manner as it is directed to solving a different problem; it would not be obvious to modify the Welch reference to achieve the room service table recited in claim 34.

Applicant asserts that the claims patentably distinguish over Welch and any other prior art for at least the reasons discussed above.

Claims 19 and 25-27 were rejected as being unpatentable over Welch et al. Applicant asserts that pending claims 19 and 25-27 distinguish over Welch for at least the same reasons as discussed above. Applicant asserts that claims are novel and non-obvious over Welch as discussed above and claims 19-27 overcome the obviousness rejection over Welch.

Claims 12-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Horn in view of Welch et al. Applicant asserts that the present invention distinguishes over Welch for at least the reasons discussed above. Moreover, Horn fails to remedy the shortcomings of Welch et al. Although Horn teaches a table with drop leaves, its handle is a single handed pull type handle that only folds between a horizontal and vertical position and is not suitable for pushing. The "handle" does not extend above the table top in the use position or along the underside of the table top in the storage position. Moreover, the advantages discussed above provide for an advantageous handle that is neither shown nor suggested by either Horn or Welch. Neither of the references teaches nor suggests a room service table with a handle that can pivot and be stored in the manner as recited in the claims, even when combined. Applicant asserts that the claims patentably distinguish over the combination of Welch and Horn.

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Applicant asserts that the claims patentably distinguish over the cited prior art or any other prior art or combination thereof. Applicant requests that the rejection of the claims be withdrawn.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

8/15/07

By: _____

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